



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVERTON STERLING,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST :
COMPANY AS TRUSTEE FOR FEMIT :
TRUST 2006-FF6, et al., :

Defendants. :
-----X

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

REPORT AND RECOMMENDATION

19-CV-205 (GBD) (KNF)

TO THE HONORABLE GEORGE B. DANIELS, UNITED STATES DISTRICT JUDGE

The plaintiff, proceeding pro se, filed a document styled "MOTION TO CLAIM AND EXERCISE CONSTITUTIONALLY SECURED RIGHTS and REQUIRE THE PRESIDING JUDGE TO RULE UPON THIS MOTION, and ALL PUBLIC OFFICERS OF THIS COURT TO UPHOLD SAID RIGHTS." Docket Entry No. 22. The document requests that your Honor "acknowledge," "provide," "honor, uphold and abide" and "respect, protect and uphold" various "ruling[s]," "oaths," "due process of law," "equal protection under the law," "the inherent Rights of Everton Sterling," "the referenced national Constitution" and "fact[s]."

The plaintiff failed to: (a) comply with Local Civil Rule 7.1 of this court, which sets forth the requirements for all motions; and (b) articulate any legal basis for his motion. The Court finds that the plaintiff's motion is baseless and frivolous, warranting dismissal, since filing baseless and frivolous motions is subject to sanctions. See Shafii v. British Airways, PLC, 83 F.3d 566, 571 (2d Cir. 1996) ("A district court may, in its discretion, impose sanctions against litigants who abuse the judicial process.").

RECOMMENDATION

For the foregoing reasons, I recommend that the plaintiff's motion, Docket Entry No. 22, be denied.

FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections, and any responses to objections, shall be filed with the Clerk of Court, with courtesy copies delivered to the chambers of the Honorable George B. Daniels, 500 Pearl Street, Room 1310, New York, New York, 10007, and to the chambers of the undersigned, 40 Centre Street, Room 425, New York, New York, 10007. Any requests for an extension of time for filing objections must be directed to Judge Daniels. ***Failure to file objections within fourteen (14) days will result in a waiver of objections and will preclude appellate review.*** See Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985); Cephas v. Nash, 328 F.3d 98, 107 (2d Cir. 2003).

Dated: New York, New York
August 7, 2019

Respectfully submitted,

Copy mailed to:

Eveton Sterling

(Kevin Nathaniel Fox)
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE